

REMARKS

Claims 1-8 are all the claims pending in the application. By this Amendment, Applicant editorially amends claims 1 and 4. The amendments to claims 1 and 4 were made for reasons of precision of language and consistency, and do not narrow the literal scope of the claims and thus do not implicate an estoppel in the application of the doctrine of equivalents.

By this Amendment, Applicant adds new claims 5-8. Claims 5-8 are clearly supported through out the Specification (for example, see pages 9-11).

I. Preliminary Remarks

Applicant thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority documents was received. Applicant also thanks the Examiner for initialing the references listed on Form PTO-1449 and Form PTO/SB/08 A & B (modified) submitted with the Information Disclosure Statement filed on October 15, 1999 and January 3, 2003, respectively.

II. Summary of the Office Action

The Examiner objected to the Abstract and claim 4. In addition, claims 1-4 stand rejected under 35 U.S.C. § 102(e).

III. Objections to the Specification.

The Examiner objected to the Abstract of Disclosure for including the term “disclosed”. Applicant herein amends the Abstract to exclude the objected term. In view of this amendment

to the Specification, Applicant respectfully requests the Examiner now to withdraw this objection.

IV. Objections to the Claim.

The Examiner objected to claim 4 because of minor informality. Applicant has revised the claim, and respectfully submits that the claims as now presented no longer include the potential informality mentioned by the Examiner. Applicant therefore respectfully requests the Examiner to withdraw the objections to the claim.

V. Prior Art Rejection.

The Examiner rejected claims 1-4, under 35 U.S.C. § 102(e) as being anticipated by USP 5,806,072 to Kuba et al. (hereinafter "Kuba"). Applicant respectfully traverses this rejection and respectfully requests the Examiner to reconsider this rejection in view of the comments, which follow.

Of these claims, only claims 1 and 4 are independent. Claims 1 and 4 require:

an image data management file for storing a plurality of recording information having a processing sequence, a data type and a recording location of the recorded image data,...

updating at least part of the plurality of recording information stored in the image data management file...

The Examiner asserts that claims 1 and 4 are directed to a digital camera for recording image data and is anticipated by Kuba. The Examiner asserts that Kuba's header (shown in Figs. 23(A) and 23(B)) and controller rearranging the headers for reproduction is equivalent to the data

management file and updating at least part of the plurality of recording information stored in the image data management file, respectively, as set forth in claims 1 and 4 (see pages 3-4 of the Office Action). Applicant respectfully disagrees with the Examiner. Applicant has carefully studied Kuba's discussion of the headers and the controller rearranging these headers for reproduction, which are not similar to an image data management file and updating at least part of the plurality of recording information stored in the image data management file as set forth in claims 1 and 4.

Kuba teaches an electronic imaging apparatus capable of storing image data in-groups or as independent data (col. 21, lines 40 to 45). Specifically, Kuba teaches a camera with two playback modes: date sequential and normal. When the date sequential mode is selected, system controller 39 reads out the header information indicative of the date from the storage medium, in order to automatically reproduce the data in date sequence (Fig. 22; col. 23, lines 4 to 45). If the normal mode is selected, then image data is reproduced in the sequence of storage in the storage medium (col. 23, lines 11 to 15).

Kuba teaches storing dates and the like data in a storage area of IC memory card 14 in a header separate from the intrinsic image data storage 22 (Fig. 23(A); col. 21, lines 32 to 39). For example, 32kB of data is stored in one pick-up, 512 bytes are allocated to header for various recording information. Specifically, Kuba teaches storing group data (x^{th} image of z^{th} date) and a date. A plurality of such data storage areas is formed in one IC memory card (Fig. 23(B); col. 21, lines 32 to 39). That is the controller 39 rearranges the sequence for reproduction. In short,

Kuba teaches reproducing randomly stored image data in a date sequence by reading the header of each image data.

However, Kuba fails to teach or suggest an image data management file. Kuba teaches storing various recording information in the headers of each data image pickup. That is in Kuba, each object (each pick up, which is equivalent to one date of images) or each image file has a header with grouping information and a date. In other words, Kuba teaches a plurality of headers, each containing information about its pick-up image but it fails to teach or suggest one image data management file for storing plurality of record information.

Moreover, in Kuba, it is not the image data management file that is updated by the controller but the data is just rearranged for reproduction. In short, Kuba teaches conventional headers, which are read by the controllers and organized by date for reproduction but it fails to teach or suggest an image data management file where the reorganization is performed within the header.

Alternatively, Kuba teaches a root directory where the file names may be rearranged, thereby altering the reproduction sequence. However, a root directory is not similar to the managing file as set forth in the independent claims 1 and 4. That is, Kuba's root directory only stores file names, sequence numbers and links to other subdirectories (Figs. 31A and 31B; col. 1, lines 50 to 56; col. 3, lines 40 to 54; col. 24, lines 4 to 11). Kuba teaches a conventional root directory, which will not comprise of anything but file names and links to subdirectories (hierarchical representation of data). Clearly, Kuba's root directory does not store image data

type as set forth in the independent claims 1 and 4. In short, Kuba fails to teach or suggest having image data of different type as set forth in the independent claims 1 and 4.

Therefore, *an image data management file* as set forth in claims 1 and 4 is not suggested or taught by Kuba, which lacks one file for storing a plurality of recording information with a processing sequence, data type and a recording location and updating this file. For at least these reasons, Applicant respectfully submits that independent claims 1 and 4 are patentably distinguishable from Kuba. Applicant therefore respectfully requests the Examiner to reconsider and withdraw this rejection of independent claims 1 and 4. Also, Applicant respectfully submits that claims 2-3 are allowable at least by virtue of their dependency on claim 1.

VI. New Claims

In order to provide more varied protection, Applicant adds claims 5-8. Claim 5 is patentable at least because of its recitation of each of said management record has at least a record location, image data type and an image number, and changing the processing sequence by updating some of the management records except for the processing sequence information. Claims 6-8 are patentable at least by virtue of their dependency on claim 5.

VII. Conclusion and request for telephone interview.

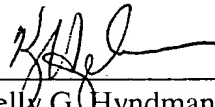
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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